

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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RICARDO J. CANTOS,

Plaintiff,

Civil Action No.:22-cv-

vs.

ROBERTO GUTIERRIZ-GOMEZ, ELIZABETH TRANSPORT, LLC, "JOHN DOES 1-10" (fictitious names, true names unknown), and/or "ABC CORPORATIONS 1-10" (fictitious names, true names unknown),

NOTICE OF REMOVAL

Defendants.

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TO: Paul L. LaSalle, Esq.
Lynch Lynch Held Rosenberg, P.C.
440 State Route 17 North, 3rd Floor
Hasbrouck Heights, NJ 07604

PLEASE TAKE NOTICE, that on this date, defendants, ROBERTO GUTIERRIZ-GOMEZ and ELIZABETH TRANSPORT, LLC by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiff RICARDO J. CANTOS brought a lawsuit against the defendants, ROBERTO GUTIERRIZ-GOMEZ and ELIZABETH TRANSPORT, LLC by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Middlesex County on August 5, 2022 as a result of an alleged accident which occurred on or about September 3, 2020. A copy of the Complaint is annexed hereto as Ex A.

2. Upon information and belief, the Summons and Complaint were not received by defendant ROBERTO GUTIERRIZ-GOMEZ to date.

3. The Summons and Complaint were received by defendant ELIZABETH TRANSPORT, LLC on or about September 8, 2022.

4. Defendant ELIZABETH TRANSPORT, LLC consents to the Notice of Removal.

5. 28 U.S.C. 1446(b)(2)(c) states, in pertinent part that, if defendants are served at different times, and a later-served defendant files a Notice of Removal, any earlier-served defendant

may consent to the removal even though the earlier-served defendant did not previously initiate or consent to removal.

6. There have been no other proceedings in this action.

7. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in the City of Newark and County of Passaic.¹

8. Defendant ROBERTO GUTIERRIZ-GOMEZ is a citizen and domiciliary of the State of Minnesota, residing in Browntown.

9. Defendant ELIZABETH TRANSPORT, LLC is a limited liability company organized in the State of Browntown and maintains its principal place of business in Browntown, Minnesota.

10. Roberto Gutierrez-Gomez and Sulma Elizabeth are the sole owners and members of defendant ELIZABETH TRANSPORT, LLC. Roberto Gutierrez-Gomez and Sulma Elizabeth are domiciled in the State of Browntown, in Minnesota.

11. Therefore, complete diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1) exists and federal subject matter jurisdiction exists for this matter to be removed to federal court.

12. In the First Count, 7th paragraph of the plaintiff's Complaint, plaintiff RICARDO J. CANTOS alleges that as a result of the accident which forms the basis of his Complaint, he was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization, and medication, and has been and will in the future continue to be hampered in his daily routines. Ex. A.

13. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs.

14. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

15. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

¹ The City of Newark is in Essex County, New Jersey.

16. This Notice is filed with this Court within 30 days of defendant's receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 56 Paterson St., New Brunswick, NJ 08903-0964, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: October 7, 2022

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
ROBERTO GUTIERRIZ-GOMEZ and ELIZABETH
TRANSPORT, LLC
124 First Avenue
Atlantic Highlands, New Jersey 07716

s/Lorne M. Reiter

BY:

LORNE M. REITER